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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re SONY VAIO COMPUTER NOTEBOOK TRACKPAD LITIGATION	Case No. 09-cv-2109-AJB (MDD) PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL Date: May 30, 2013 Time: 2:00 p.m. Mag. Judge: Hon. Anthony J. Battaglia Courtroom: 2A

TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that plaintiffs Christina Egner and Rickey Glasco, on behalf of themselves and all others similarly situated, respectfully move the Court for an order, pursuant to Federal Rule of Civil Procedure 23, to appoint plaintiffs as class representatives and for certification of two state classes defined as:

> (1) all California residents who purchased a Class Laptop from March 16, 2006 through the present (the "California Class"); and (2) all New Jersey residents who purchased a Class Laptop from March 16, 2006 through the present (the "New Jersey Class"). Excluded from both classes are Sony Electronics, Inc., its officers and directors, families and legal representatives, heirs, successors, or assigns, or any entity in which Sony has or had a controlling interest.

Plaintiffs move for class certification of the California Class on five claims arising from violations of the following laws: 1) California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq*.; 2) California's Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq*.; 3) Express Warranty; 4) Implied Warranty of Merchantability; and 5) Magnuson-Moss Act, 15 U.S.C. § 2310. Plaintiffs move for class certification of the New Jersey Class on four claims arising from violations of the following laws: 1) New Jersey Consumer Fraud Act, N.J. Stat. Ann. § 56:8-1, *et seq*.; 2) Express Warranty; 3) Implied Warranty of Merchantability; and 4) Magnuson-Moss Act, 15 U.S.C. § 2310. Plaintiffs alleged in their second amended consolidated complaint [ECF No. 136] defendant Sony manufactured, marketed, and sold VAIO Notebooks with a touchpad defect. Defendant's uniform conduct resulted in damage to each and every member of the Class, as plaintiffs will prove at trial.

Plaintiffs also move the Court, pursuant to Federal Rule of Civil Procedure 23(g), to appoint the law firms Doyle Lowther LLP and Zeldes & Haeggquist, LLP as co-lead counsel for the Class.

This motion will be heard on May 30th, 2013, at 2 p.m., or as soon thereafter as determined by the Court, in courtroom 2A of the Edward J. Schwartz U.S. Courthouse, 221 West Broadway, San Diego, CA 92101, before the Honorable Anthony J. Battaglia.

Plaintiffs' motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities, the Declaration of John A. Lowther, the Declaration of Helen Zeldes, the Declaration of Christina Egner, the Declaration of Rickey Glasco, all filed herewith, the Court's record in this matter, any oral argument, and any other evidence the Court may consider in hearing this motion.

Dated: February 27, 2013

DOYLE LOWTHER LLP

/s/ John Lowther

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CERTIFICATE OF SERVICE

I hereby certify on February 27, 2013 I submitted via the Court's ECF system:

- PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL;
- PLAINTIFFS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS REPRESENTATIVES AND CLASS COUNSEL
- DECLARATION OF JOHN LOWTHER IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS REPRESENTATIVES AND CLASS COUNSEL
- DECLARATION OF HELEN I. ZELDES IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
- DECLARATION OF CHRISTINA EGNER IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION
- DECLARATION OF RICKEY GLASCO IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

to the following attorneys of record at the following email addresses:

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